



**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
(Includes reference to PCT International Applications)

FROMMER LAWRENCE & HAUG, LLP  
File No.: 514413-3864

As a below named inventor, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are original, first and joint inventors (if plural, names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

**NUCLEIC ACID MOLECULE CODING FOR  
BETA-AMYLASE, PLANTS SYNTHESIZING  
A MODIFIED STARCH, METHOD OF PODUCTION  
AND APPLICATIONS**

the specification of which:

- is attached hereto
- was filed on May 31, 2001 as:
- United States Application Serial No. 09/744,852
- Corresponding to International Appln. No. PCT/EP99/05523 filed July 30, 1999 with amendments through DATE EVEN HEREWITH (if applicable, give details).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to our to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code § 119 (a) - (d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

| <u>Country (or PCT)</u> | <u>Application Number:</u> | <u>Filed (Day/Month/Year)</u> | Priority Claimed:   |
|-------------------------|----------------------------|-------------------------------|---|
| Germany                 | 19836099.1                 | July 31, 1998                 | <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u> <input type="checkbox"/> |

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

We hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or § 365 (c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:



Inventor's Declaration Cont.  
29/175,520

PATENT  
514413-3864

|                         |                               |                            |  |
|-------------------------|-------------------------------|----------------------------|--|
| <u>U.S. Serial No.:</u> | <u>Filed (Day/Month/Year)</u> | <u>PCT Application No.</u> | <u>Status (patented, pending, abandoned)</u> |
|-------------------------|-------------------------------|----------------------------|--|

We hereby appoint William F. Lawrence, Registration No. 28,029, and FROMMER LAWRENCE & HAUG, LLP or their duly appointed associates, our attorneys or agents, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

William F. Lawrence, Esq.  
c/o FROMMER LAWRENCE &  
HAUG, LLP  
745 Fifth Avenue  
New York, NY 10151  
FAX (212) 588-0500

Direct all telephone calls to: (212) 588-0800  
to the attention of:  
William F. Lawrence

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: 

Full name of first or sole inventor: Claus Frohberg  
Residence: Pilzwald 17, 14532 Kleinmachnow, Germany  
Citizenship: GERMANY

Date: July 1<sup>st</sup> 2004

Post Office Address(es) of inventors [if different from residence]: